

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GUSTAVO LEMUS,

Defendant.

4:12-CR-3026

ORDER

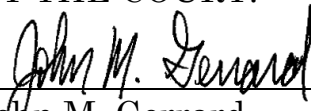
This matter is before the Court on the defendant's motion to reduce his sentence ([filing 58](#)) pursuant to [18 U.S.C. § 3582\(c\)\(2\)](#), [U.S.S.G. § 1B1.10](#), and [U.S.S.G. § app. C, amend. 782](#). That motion will be denied.

The defendant was convicted of possession with intent to distribute 50 grams or more of methamphetamine. [Filing 51 at 1](#). The statutory mandatory minimum sentence for that offense is 10 years' imprisonment. [21 U.S.C. § 841\(b\)\(1\)\(A\)\(viii\)](#). The defendant was sentenced to the mandatory minimum. [Filing 51 at 2](#). And the Court is without authority to impose a sentence below a statutory mandatory minimum sentence. See [United States v. Theeler](#), 633 F. App'x 358, 359 (8th Cir. 2016).

IT IS ORDERED that the defendant's motion ([filing 58](#)) is denied.

Dated this 5th day of April, 2018.

BY THE COURT:



John M. Gerrard
United States District Judge